

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ALI M. MUTHANA,

Plaintiff,

File No. 2:05-CV-208

v.

HON. ROBERT HOLMES BELL

DR. BADAWI ABDELLATIF,

Defendant.

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**ORDER AND JUDGMENT ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On October 6, 2006, United States Magistrate Judge Timothy P. Greeley issued a report and recommendation ("R&R") recommending that Defendant's motion for summary judgment be granted. The R&R was duly served on the parties. Plaintiff filed objections to the R&R on October 25, 2006, and Defendant filed a response on October 26, 2006.

Pursuant to Rule 72(b) of the Federal Rules of Civil Procedure this Court has made a *de novo* review upon the record of those portions of the magistrate's disposition to which specific written objection has been made.

Plaintiff persists in claiming that Defendant has denied him medical treatment, notwithstanding the numerous physical examinations, diagnostic tests and prescribed medications recorded in his MDOC medical records and summarized in the R&R. For example, Plaintiff continues to assert that he has not been treated for H. pylori, even though

the medical evidence reveals that Defendant ordered testing for H. pylori on June 29, 2004, and again on October 1, 2004, and both times the lab results were negative for H. pylori antigen in his stool. (Ex. B at 760, 754, 709, 697). Plaintiff continues to assert that he has been denied a colonoscopy, when in fact the medical evidence reflects that an endoscopy and a colonoscopy were performed on April 4, 2005. (Ex. B at 840-41). Plaintiff continues to assert that he has been denied treatment for a possible heart condition, when in fact the medical evidence reflects that he was given an adenosine myoview stress test to rule out any cardiac etiology for his chest pain, and the test revealed a normal EKG and no evidence of ischemia. (Ex. B at 917-18).

Upon review this Court finds that Plaintiff's objections do not suggest any error in the Magistrate Judge's analysis of the medical evidence or the law with respect to deliberate indifference to the serious medical needs of a prisoner. The Court is satisfied that the Magistrate Judge correctly determined that Plaintiff failed to sustain his burden of proof in response to Defendant's motion for summary judgment. Accordingly,

IT IS HEREBY ORDERED that the October 6, 2006, R&R is **APPROVED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that **JUDGMENT** is entered in favor of Defendant and Plaintiff's complaint is **DISMISSED** in its entirety.

Date: March 7, 2007

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE